

## § 96.76

both the permitting authority and the Administrator.

### § 96.76 Additional requirements to provide heat input data for allocations purposes.

(a) The owner or operator of a unit that elects to monitor and report NO<sub>x</sub> Mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in part 75 of this chapter for any source located in a state developing source allocations based upon heat input.

(b) The owner or operator of a unit that monitor and report NO<sub>x</sub> Mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in part 75 of this chapter for any source that is applying for early reduction credits under § 96.55.

## Subpart I—Individual Unit Opt-ins

### § 96.80 Applicability.

A unit that is in the State, is not a NO<sub>x</sub> Budget unit under § 96.4, vents all of its emissions to a stack, and is operating, may qualify, under this subpart, to become a NO<sub>x</sub> Budget opt-in source. A unit that is a NO<sub>x</sub> Budget unit, is covered by a retired unit exemption under § 96.5 that is in effect, or is not operating is not eligible to become a NO<sub>x</sub> Budget opt-in source.

### § 96.81 General.

Except otherwise as provided in this part, a NO<sub>x</sub> Budget opt-in source shall be treated as a NO<sub>x</sub> Budget unit for purposes of applying subparts A through H of this part.

### § 96.82 NO<sub>x</sub> authorized account representative.

A unit for which an application for a NO<sub>x</sub> Budget opt-in permit is submitted and not denied or withdrawn, or a NO<sub>x</sub> Budget opt-in source, located at the same source as one or more NO<sub>x</sub> Budget units, shall have the same NO<sub>x</sub> authorized account representative as such NO<sub>x</sub> Budget units.

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### § 96.83 Applying for NO<sub>x</sub> Budget opt-in permit.

(a) *Applying for initial NO<sub>x</sub> Budget opt-in permit.* In order to apply for an initial NO<sub>x</sub> Budget opt-in permit, the NO<sub>x</sub> authorized account representative of a unit qualified under § 96.80 may submit to the permitting authority at any time, except as provided under § 96.86(g):

(1) A complete NO<sub>x</sub> Budget permit application under § 96.22;

(2) A monitoring plan submitted in accordance with subpart H of this part; and

(3) A complete account certificate of representation under § 96.13, if no NO<sub>x</sub> authorized account representative has been previously designated for the unit.

(b) *Duty to reapply.* The NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget opt-in source shall submit a complete NO<sub>x</sub> Budget permit application under § 96.22 to renew the NO<sub>x</sub> Budget opt-in permit in accordance with § 96.21(c) and, if applicable, an updated monitoring plan in accordance with subpart H of this part.

### § 96.84 Opt-in process.

The permitting authority will issue or deny a NO<sub>x</sub> Budget opt-in permit for a unit for which an initial application for a NO<sub>x</sub> Budget opt-in permit under § 96.83 is submitted, in accordance with § 96.20 and the following:

(a) *Interim review of monitoring plan.* The permitting authority will determine, on an interim basis, the sufficiency of the monitoring plan accompanying the initial application for a NO<sub>x</sub> Budget opt-in permit under § 96.83. A monitoring plan is sufficient, for purposes of interim review, if the plan appears to contain information demonstrating that the NO<sub>x</sub> emissions rate and heat input of the unit are monitored and reported in accordance with subpart H of this part. A determination of sufficiency shall not be construed as acceptance or approval of the unit's monitoring plan.

(b) If the permitting authority determines that the unit's monitoring plan is sufficient under paragraph (a) of this section and after completion of monitoring system certification under subpart H of this part, the NO<sub>x</sub> emissions

rate and the heat input of the unit shall be monitored and reported in accordance with subpart H of this part for one full control period during which monitoring system availability is not less than 90 percent and during which the unit is in full compliance with any applicable State or Federal emissions or emissions-related requirements. Solely for purposes of applying the requirements in the prior sentence, the unit shall be treated as a “NO<sub>x</sub> Budget unit” prior to issuance of a NO<sub>x</sub> Budget opt-in permit covering the unit.

(c) Based on the information monitored and reported under paragraph (b) of this section, the unit’s baseline heat rate shall be calculated as the unit’s total heat input (in mmBtu) for the control period and the unit’s baseline NO<sub>x</sub> emissions rate shall be calculated as the unit’s total NO<sub>x</sub> emissions (in lb) for the control period divided by the unit’s baseline heat rate.

(d) After calculating the baseline heat input and the baseline NO<sub>x</sub> emissions rate for the unit under paragraph (c) of this section, the permitting authority will serve a draft NO<sub>x</sub> Budget opt-in permit on the NO<sub>x</sub> authorized account representative of the unit.

(e) *Confirmation of intention to opt-in.* Within 20 days after the issuance of the draft NO<sub>x</sub> Budget opt-in permit, the NO<sub>x</sub> authorized account representative of the unit must submit to the permitting authority a confirmation of the intention to opt in the unit or a withdrawal of the application for a NO<sub>x</sub> Budget opt-in permit under § 96.83. The permitting authority will treat the failure to make a timely submission as a withdrawal of the NO<sub>x</sub> Budget opt-in permit application.

(f) *Issuance of draft NO<sub>x</sub> Budget opt-in permit.* If the NO<sub>x</sub> authorized account representative confirms the intention to opt-in the unit under paragraph (e) of this section, the permitting authority will issue the draft NO<sub>x</sub> Budget opt-in permit in accordance with § 96.20.

(g) Notwithstanding paragraphs (a) through (f) of this section, if at any time before issuance of a draft NO<sub>x</sub> Budget opt-in permit for the unit, the permitting authority determines that the unit does not qualify as a NO<sub>x</sub> Budget opt-in source under § 96.80, the permitting authority will issue a draft

denial of a NO<sub>x</sub> Budget opt-in permit for the unit in accordance with § 96.20.

(h) *Withdrawal of application for NO<sub>x</sub> Budget opt-in permit.* A NO<sub>x</sub> authorized account representative of a unit may withdraw its application for a NO<sub>x</sub> Budget opt-in permit under § 96.83 at any time prior to the issuance of the final NO<sub>x</sub> Budget opt-in permit. Once the application for a NO<sub>x</sub> Budget opt-in permit is withdrawn, a NO<sub>x</sub> authorized account representative wanting to re-apply must submit a new application for a NO<sub>x</sub> Budget permit under § 96.83.

(i) *Effective date.* The effective date of the initial NO<sub>x</sub> Budget opt-in permit shall be May 1 of the first control period starting after the issuance of the initial NO<sub>x</sub> Budget opt-in permit by the permitting authority. The unit shall be a NO<sub>x</sub> Budget opt-in source and a NO<sub>x</sub> Budget unit as of the effective date of the initial NO<sub>x</sub> Budget opt-in permit.

#### **§ 96.85 NO<sub>x</sub> Budget opt-in permit contents.**

(a) Each NO<sub>x</sub> Budget opt-in permit (including any draft or proposed NO<sub>x</sub> Budget opt-in permit, if applicable) will contain all elements required for a complete NO<sub>x</sub> Budget opt-in permit application under § 96.22 as approved or adjusted by the permitting authority.

(b) Each NO<sub>x</sub> Budget opt-in permit is deemed to incorporate automatically the definitions of terms under § 96.2 and, upon recordation by the Administrator under subpart F, G, or I of this part, every allocation, transfer, or deduction of NO<sub>x</sub> allowances to or from the compliance accounts of each NO<sub>x</sub> Budget opt-in source covered by the NO<sub>x</sub> Budget opt-in permit or the over-draft account of the NO<sub>x</sub> Budget source where the NO<sub>x</sub> Budget opt-in source is located.

#### **§ 96.86 Withdrawal from NO<sub>x</sub> Budget Trading Program.**

(a) *Requesting withdrawal.* To withdraw from the NO<sub>x</sub> Budget Trading Program, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget opt-in source shall submit to the permitting authority a request to withdraw effective as of a specified date prior to May 1 or after September 30. The submission shall be made no later than 90